

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF	)	
ARTESIAN WASTEWATER MANAGEMENT, INC.	)	
FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO PROVIDE	)	PSC DOCKET NO. 18-0936
WASTEWATER SERVICES PURSUANT TO 26	)	
DEL. C. § 203D ("SUSSEX COUNTY")	)	
(FILED JULY 2, 2018)	)	

**ORDER NO. 9259**

**AND NOW**, this 21<sup>st</sup> day of August, 2018, the Delaware Public Service Commission (the "Commission") determines and Orders the following:

**WHEREAS**, the Commission exercises regulatory oversight over non-governmental wastewater public utilities that serve fifty or more customers. See 26 Del. C. § 102(2) and 203D(a). That regulatory oversight includes the authority to grant Certificates of Public Convenience and Necessity ("CPCN") to enable an entity to begin the business of a wastewater public utility or to permit an existing wastewater public utility to extend its system and operations. See 26 Del. C. § 203D(a). Under such statutory regime, and specifically 26 Del. C. § 203D(d)(2), a wastewater utility may obtain a CPCN for a new service territory if it submits petitions executed by the landowners of record of each parcel or property to be encompassed within such new proposed service area which request that the utility's wastewater services be extended; and

**WHEREAS**, on April 1, 2005, the Commission adopted final *Regulations Concerning the Jurisdiction of the Public Service Commission to Grant and Revoke Certificates of Public Convenience and Necessity to Provide*

*Wastewater Services*, 26 Del. Admin. C. § 6002 (the "Regulations"). These Regulations implement the CPCN regime for public wastewater utilities; and

**WHEREAS**, Artesian Wastewater Management, Inc. ("AWMI" or the "Company") is a public utility offering wastewater services and is subject to the regulatory oversight of the Commission. On July 2, 2018, AWMI filed an application (the "Application") requesting a CPCN to provide wastewater services to 5 parcels of land in Sussex County, Delaware (the "Proposed Service Area"); and

**WHEREAS**, as required by 26 Del. C. § 203D(d)(2) and the Regulations, AWMI included in its Application: (1) petitions requesting wastewater services signed by the landowners of record of each parcel or property encompassed within the Proposed Service Area; (2) copies of the United States Postal Service forms verifying that the Company sent, via certified mail, a Commission approved notice to the landowners of record of each parcel included in the Proposed Service Area; (3) a list of the County tax map parcel identification numbers of the properties and identification of all landowners of record included in the Proposed Service Area; (4) a copy of the associated tax maps clearly marking the Proposed Service Area; (5) a copy of the letter from Sussex County stating no objection to the Application; and

**WHEREAS**, as required by the Regulations, Staff requested written comment from the Division of Water Resources of the Department of Natural Resources and Environmental Control ("DNREC"), the Delaware Office of State Planning Coordination ("OSP"), and the Sussex County Engineering Department ("County") regarding the Proposed Service Area; and

**WHEREAS**, on July 3, 2018, DNREC replied that there are no outstanding issues with AWMI and they have not been unwilling or unable to provide safe, adequate, and reliable wastewater services to its existing customers; and

**WHEREAS**, on July 9, 2017, OSP filed a response that provided the Commission with the State of Delaware's investment level planning information with respect to the 5 parcels included in the Proposed Service Area; and

**WHEREAS**, the County's response and comments regarding the Application and Proposed Service Area were included as part of the Application. The County stated that it had received and reviewed the CPCN Application and noted that the parcels of the Proposed Service Area are located in the Tier 3 Area per the updated Sussex County Sewer Tier Map. The County further stated that they will not object to the Commission granting AWMI's request for a CPCN for the Proposed Service Area; and

**WHEREAS**, the Commission Staff ("Staff") has submitted a memorandum to the Commission that reports that the Application meets all applicable requirements for granting a CPCN pursuant to 26 Del. C. § 203D and the Regulations; and

**WHEREAS**, for these reasons, Staff finds that AWMI has met the requirements for the granting of a CPCN and, therefore, has recommended that the Commission approve the Application;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE  
AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. Pursuant to the provisions of 26 Del. C. § 203D(d)(2), the Application is approved and the Commission hereby grants a CPCN to AWMI

to provide wastewater public utility services to the area more specifically identified by Sussex County Tax Map Parcel Numbers 234-15.00-37.00, 235-30.00-15.00, 235-30.00-58.05, 235-30.00-58.07, and 334-10.00-23.00.

2. AWMI shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become applicable, to any matter involving wastewater utility services provided to the service territory granted by this CPCN.

3. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chairman

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

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Secretary